

SENATE BILL 523
By Ford

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, Part 1, relative to operation of vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section 55-8-194.

(a) No driver shall operate a truck as defined by § 55-8-101(70) or a truck tractor as defined by § 55-8-101(71) with a gross vehicle weight rating of sixteen thousand pounds (16,000 lbs.) or more on any highway of the interstate and defense highway system while using a hand held mobile telephone while such vehicle is in motion.

(b) For the purposes of this section, unless the context otherwise requires, "mobile telephone" means a cellular, analog, wireless, or digital telephone.

(c) A violation of this section is a Class A misdemeanor punishable only by a fine of one thousand five hundred dollars (\$1,500). All proceeds from the fines imposed by this subsection shall be deposited in the basic education program account of the education trust fund of 1992, as provided in §§ 49-3-357 and 49-3-358, and shall be designated for exclusive use of funding assistance for the basic education program.

(d) It is an affirmative defense to prosecution under this section, which must be proven by a preponderance of the evidence, that the driver's use of a mobile telephone was necessitated by a *bona fide* emergency.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.